

Ordinance No. 122972

Council Bill No. 116506

AN ORDINANCE relating to the Personnel Regulations and Civil Service system of the City; establishing a limit to periods of probationary status for Civil Service employees; providing for a trial service period for Civil Service employees not covered by collective bargaining agreements; amending Seattle Municipal Code Section 4.04.030; and adding new Section 4.04.290, new Section 4.04.300, and new Section 4.04.310.

CF No. _____

Date Introduced:	<u>4-20-09</u>	
Date 1st Referred:	<u>4-20-09</u>	To: (committee) <u>Culture, Civil Rights, Health and Personnel (CCRHP)</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>4-27-09</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor:	<u>4-28-09</u>	Date Approved: <u>5.6.09</u>
Date Returned to City Clerk:	<u>5.6.09</u>	Date Published: <u>9</u> T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Vetoed by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: _____

Councilmember

Committee Action:

Pass 4-20 WL, JA, TR, BH

4/27/09 Pass 8-0 (SC excused)

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Department

Law Dept. Review

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City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

April 7, 2009

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that limits the period of probation that employees are required to serve, and creates trial service status and reversion rights for City employees not covered by collective bargaining agreements who are appointed to new classifications after serving an initial probationary period.

All City employees must complete a one year probationary period upon initial appointment to a Civil Service position during which they may be dismissed without cause by the employing department. Upon subsequent appointment to other positions in the City, most represented City employees currently have provisions in their collective bargaining agreements for completion of a one year trial service period. Like the probationary service period, the trial service period also provides employing departments the discretion to dismiss an employee without cause; however, should an employee be dismissed during a trial service period, they have reversion rights to a job title in the same class and department as their previous position. If no such vacant position exists, the employee shall be placed on a Reversion Recall List to fill the next available vacant position. This legislation creates trial service status and reversion rights for employees not covered by collective bargaining agreements who also work in a Civil Service covered position. It also limits employees to serving a single probationary period at the City.

Thank you for your consideration of this legislation. Should you have questions, please contact Glenda Graham-Walton at ext. 40223 or David Bracilano at ext. 47874.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Nickels", written over a horizontal line.

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749

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ORDINANCE 122972

AN ORDINANCE relating to the Personnel Regulations and Civil Service system of the City; establishing a limit to periods of probationary status for Civil Service employees; providing for a trial service period for Civil Service employees not covered by collective bargaining agreements; amending Seattle Municipal Code Section 4.04.030; and adding new Section 4.04.290, new Section 4.04.300, and new Section 4.04.310.

WHEREAS, Article XVI, Section 4 of the Seattle City Charter provides that the Civil Service system shall be administered in accordance with the merit principle that periods of probationary status for Civil Service employees be limited to one year; and

WHEREAS, Seattle Municipal Code, Chapter 4.04 Personnel Regulations, Section 4.04.030(26), defines regular employee as "...an employee who has been appointed to a position within the classified service and who has completed a one (1) year probationary period of employment"; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 4.04.030 of the Seattle Municipal Code is amended as follows:

4.04.030 Definitions.

Unless another meaning is clearly indicated from the context, as used in this title:

23. "Probationary Period" means a twelve (12) month period of employment following an employee's initial regular appointment to a position within the Civil Service during which an employee is subject to dismissal without just cause.

~~((23))~~24. "Promotion" means any appointment to a higher level classification or position which occurs subsequent to an employee's initial appointment.

~~((24))~~25. "Reduction" means the movement of an employee from a higher-paid position to a lower-paid position, not for cause.



1 ((25))26. "Register" for Public Safety Civil Service employees means a list of candidates for
2 employment who have passed an employment examination, whose names may be chosen and
3 certified by the Commission for submission to the appointing authority for consideration for
4 employment.

5
6 ((26))27. "Regular employee" means an employee who has been appointed to a position within
7 the classified service and who has completed a one (1) year probationary period of employment.

8
9 28. "Reversion Recall List" means a list of regular employees who did not complete a trial
10 service period. When such regular employees have been reverted to a position where no vacancy
11 exists, they shall be removed from the payroll and placed on a Reversion Recall List for the
12 class/department from which they were removed.

13
14 29. "Revert" means to return a regular employee who has not successfully completed a trial
15 service period to a vacant position in the same class and former department (if applicable) from
16 which they were appointed.

17
18 ((27))30. "Reinstatement" means reappointment of a regular employee from a reinstatement list
19 to a position in a class in which regular status was previously held.

20
21 ((28))31. "Sabbatical leave" means an unpaid leave of absence for which an employee may apply
22 upon completion of seven (7) continuous years of full-time service, after which leave the
23 employee is entitled to return to the position from which the leave was granted or to a position in
24 the same employing unit that is substantially similar in level of duties, responsibilities and
25 compensation.



1 ((29))32. "Salaried employee" is one who is exempt from the provisions of the Fair Labor
2 Standards Act (FLSA).

3 ((30))33. "Seniority" means a regular employee's length of continuous service in his or her
4 present class and all higher classes since original regular appointment to that class.
5

6 ((31))34. "Suspension" means the temporary discontinuation of an employee from employment
7 for a specified period for cause or pending determination of charges against said employee,
8 which charges could result in discharge or demotion.
9

10 ((32))35. "Temporary worker" includes both temporary and less than half time employees and
11 means a person who is employed in:
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13 ***

14
15 36. "Transfer" shall mean the movement of an employee from one position to another position in
16 the same class, or with the same maximum pay rate.

17 37. "Trial Service Period/Regular Subsequent Appointment" means a twelve (12) month trial
18 period of employment of a regular employee beginning with the effective date of a subsequent,
19 regular appointment from one classification to a different classification through promotion or
20 transfer to a classification in which the employee has not successfully completed a probationary
21 or trial service period or rehire from a Reinstatement Recall List to a department other than that
22 from which the employee was laid off.
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25 Section 2. A new Section 4.04.290 is added to the Seattle Municipal Code as follows:

26 **4.04.290 Probationary Periods.**
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1 Employees who are initially appointed to a position within the Civil Service shall serve one
2 probationary period of twelve (12) months beginning on the date of the initial appointment,
3 except as provided in Section 4.04.310.

4
5 A. Occasional absences due to illness, vacations, jury duty, and military leaves shall not
6 result in an extension of the probationary period; however, in the case of numerous or long term
7 absences, the Personnel Director may extend an employee's probationary period to include the
8 equivalent of twelve (12) full months of actual service, consistent with applicable law. A regular
9 employee shall not serve more than one probationary period; provided, that an employee who
10 has completed a probationary period may serve a trial service period under Section 4.04.300.
11

12 B. The probationary period is a continuation of the selection process, and shall provide the
13 department with the opportunity to observe a new employee's work, to train and aid the new
14 employee in adjustment to the position, and to terminate any probationary employee without
15 cause.
16

17 C. An employee may be dismissed during their probationary period after having been given
18 written notice five (5) working days prior to the effective date of dismissal. However, if the
19 department believes the best interest of the City requires the immediate dismissal of the
20 probationary employee, written notice of only one (1) full working day prior to the effective date
21 of the dismissal shall be required. The reasons for the dismissal shall be filed with the Director
22 of Personnel.
23
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25 D. An employee dismissed during their probationary period shall not have the right to appeal
26 the dismissal. When proper advance notice of the dismissal is not given, the employee may
27
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1 enter an appeal (for payment of up to five (5) days' salary), which the employee would have
2 otherwise received had proper notice been given. If such a claim is sustained, the employee
3 shall be entitled to the appropriate payment of salary but shall not be entitled to reinstatement.

4 Section 3. A new Section 4.04.300 is added to the Seattle Municipal Code as follows:

5 **4.04.300 Trial Service Periods.**

6
7 Trial Service Period - An employee who has satisfactorily completed their probationary period
8 and who is subsequently appointed to a position in another classification shall serve a twelve
9 (12) month trial service period.

10 A. The trial service period shall provide the department with the opportunity to
11 observe the employee's work and to train and aid the employee in adjustment to the position, and
12 to revert such an employee without cause.

13
14 B. An employee who has been appointed from one classification to another
15 classification within the same or different department and who fails to satisfactorily complete the
16 trial service period shall be reverted to a vacant position within the former department (if
17 applicable) and classification from which they were appointed.

18
19 C. Where no such vacancy exists, such employee shall be given fifteen (15) calendar
20 days' written notice prior to being placed on a Reversion Recall List for their former department
21 and former classification and being removed from the payroll.

22 D. An employee's trial service period may be extended up to three (3) additional
23 months by written mutual agreement between the department and the employee, subject to
24 approval by the Personnel Director prior to expiration of the trial service period.
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1 E. Employees who have been reverted during the trial service period shall not have
2 the right to appeal the reversion to the Civil Service Commission.

3 F. The names of regular employees who have been reverted for purposes of re-
4 employment in their former department shall be placed upon a Reversion Recall List for the
5 same classification from which they were promoted or transferred for a period of one (1) year
6 from the date of reversion.
7

8 G. If a vacancy is to be filled in a department and a valid Reversion Recall List for
9 the classification for that vacancy contains the name(s) of eligible employees who have been
10 removed from the payroll from that classification and from that department, such employees
11 shall be reinstated in order of their length of service in that classification. The employee who has
12 the most service in that classification shall be the first reinstated.
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15 H. An employee whose name is on a valid Reversion Recall List for a specific job
16 classification who accepts employment with the City in that same job classification shall have
17 their name removed from the Reversion Recall List. Refusal to accept placement from a
18 Reversion Recall List to a position the same, or essentially the same, as that which the employee
19 previously held shall cause an employee's name to be removed from the Reversion Recall List,
20 which shall terminate rights to reemployment under this Reversion Recall List provision.
21
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23 I. A reverted employee shall be paid at the step of the range that they normally
24 would have received had they not been promoted or transferred.

25 **4.04.310 Subsequent Appointments.**
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27 Subsequent Appointments During Probationary Period or Trial Service Period –
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1 A. If a probationary employee is subsequently appointed in the same classification
2 from one department to another, the receiving department may, with approval of the Personnel
3 Director, require that a complete twelve (12) month probationary period be served in that
4 department. If a regular employee or an employee who is serving a trial service period is
5 subsequently appointed in the same classification from one department to another, the receiving
6 department may, with the approval of the Personnel Director, require that a twelve (12) month
7 trial service period be served in that department.
8

9 B. If a probationary employee is subsequently appointed to a different classification
10 in the same or different department, the employee shall serve a complete twelve (12) month
11 probationary period in the new classification, not to exceed a total of 24 months of probationary
12 employment. If a regular employee is subsequently appointed to a different classification in the
13 same or different department, the employee shall serve a complete twelve (12) month trial
14 service period in the new classification.
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17 C. Within the same department, if a regular employee is appointed to a higher
18 classification while serving in a trial service period, the trial service period for the lower
19 classification and the new trial service period for the higher classification shall overlap, provided
20 that the higher and lower classifications are in the same or a closely related field. The employee
21 shall complete the terms of the original trial service period and be given regular status in the
22 lower classification. Such employee shall also be granted the rights normally accruing to trial
23 service for the remainder of the trial service period in the higher classification.
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26 D. Within the same department, if a probationary employee is regularly appointed to
27 a higher classification while serving in a probationary period, the probationary period and the
28



1 new trial service period for the higher classification shall overlap provided the higher and the
2 lower classifications are in the same or a closely related field. The employee shall complete the
3 term of the original probationary period and be given regular standing in the lower class. Such
4 employee shall also be granted the rights normally accruing to trial service for the remainder of
5 the trial service period in the higher classification.
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7 Section 4. The Personnel Director is authorized to adopt rules consistent with this
8 ordinance.

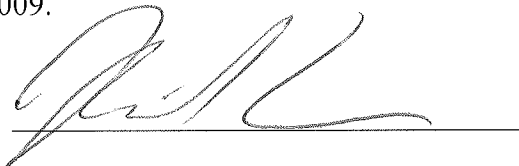
9 Section 5. To the extent that provisions of this ordinance pertain to terms and conditions
10 of employment that are subject to collective bargaining, such provisions do not supersede the
11 collective bargaining agreements or the right of the collective bargaining agents to bargain over
12 the terms and conditions of employment.
13

14 Section 6. The provisions of this ordinance are declared to be separate and severable.
15 The invalidity of any particular provision shall not affect the validity of any other provision.
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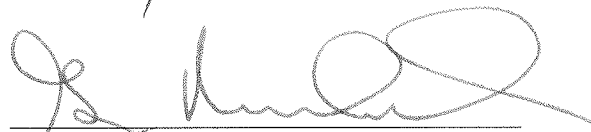
Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of April, 2009, and signed by me in open session in authentication of its passage this 27th day of April, 2009.



President _____ of the City Council

Approved by me this 6th day of May, 2009.

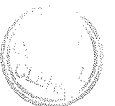


Gregory J. Nickels, Mayor

Filed by me this 6th day of May, 2009.

Carol M. Shank
City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Civil Service Commission Personnel	Glenda Graham-Walton/40223 David Bracilano/47874	Amy Williams/32651

Legislation Title:

AN ORDINANCE relating to the Personnel Regulations and Civil Service system of the City; establishing a limit to periods of probationary status for Civil Service employees; providing for a trial service period for Civil Service employees not covered by collective bargaining agreements; amending Seattle Municipal Code Section 4.04.030; and adding new Section 4.04.290, new Section 4.04.300, and new Section 4.04.310.

- **Summary of the Legislation:**

This legislation limits the period of probation that City employees are required to serve, and creates trial service status and reversion rights for employees who take positions at the City that are subsequent to their initial appointment.

- **Background:** *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

All City employees must complete a one year probationary period upon initial appointment to a Civil Service position during which they may be dismissed without cause by the employing department. Upon subsequent appointment to other positions in the City, most represented City employees currently have provisions for completion of a one year trial service period in their collective bargaining agreements. The trial service period also provides employing departments the discretion to dismiss the employee without cause; however, should an employee be dismissed during a trial service period, they have reversion rights to a job title in the same class and department from which he or she left to take the subsequent position. If no such vacant position exists, the employee shall be placed on a Reversion Recall List to fill the next available vacant position. This legislation provides for a trial service status and reversion rights for employees not covered by a collective bargaining agreement who are not exempt from the Civil Service. It also limits employees to serving a single probationary period at the City.

The Civil Service Commission initiated the legislation following concern that the City's administration of probationary periods may be inconsistent with other laws governing civil service practices. The Personnel Department, which is responsible for administering the City's Personnel Rules, is co-sponsoring the legislation.

- *Please check one of the following:*

X **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

